

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II**

**DATE:** JUL 26 2005

**SUBJECT:** Recommendations for Participation in the Performance Track Program

**FROM:** Walter Mugdan, Director  
Division of Environmental Planning and Protection

**TO:** Dan Fiorino, Director  
Performance Incentives Division  
Office of Policy Economics and Innovation

Region 2 has completed its compliance screening and evaluation of new and renewal applications to the Performance Track Program. In this round we received two new applications and eight renewal applications.

The compliance screening process was coordinated by our Division of Enforcement and Compliance Assistance with cooperation from the New Jersey Department of Environmental Protection (NJDEP), New York State Department of Environmental Conservation (NYSDEC), Puerto Rico Environmental Quality Board (PREQB), OECA and OPEI in Headquarters, and the Region's Caribbean Environmental Protection Division and Division of Environmental Planning, and Protection,.

**New Applications**

We received two applications in the Round 10 recruitment period: (1) Pfizer Pharmaceuticals LLC Cruce Davila, Puerto Rico (A020074), and (2) Xerox Corporation, Monroe County, New York (A020075). Compliance screens concluded that there were no significant noncompliance issues as defined by the Performance Track Program at Pfizer Cruce Davila. However, Xerox Corporation received four Clean Air Act (CAA) high priority violations (HPVs) from the NYSDEC from June 2002 through January 2003. Although these HPVs have been resolved, three or more HPVs within the last three years make a facility ineligible to participate in the Performance Track Program. The facility will be able to reapply in the Round 12 recruitment period, February – April 2006. Therefore, we only recommend acceptance of the Pfizer Pharmaceuticals Cruce Davila facility into the Performance Track Program.

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## Renewal Applications

Nine facilities were eligible for membership renewal in this round: (1) Nucor Steel, Auburn, New York (A020040); (2) CPS Corp aka INX International Inc., Dunkirk, New York (A020041); (3) Dresser-Rand Wellsville Operations, Wellsville, New York (A020042); (4) Henkel Loctite, Olean, New York (A020043); (5) IBM – Thomas J Watson Research Center, Yorktown Heights, New York (A020044); (6) Ideal Jacobs Corporation, Maplewood, New Jersey (A020045); (7) Logan Generating Company, Swedesboro, New Jersey (A020050); (8) Carneys Point Generating Plant, Carneys Point, New Jersey (A020051); and (9) American Ref-Fuel Company of Hempstead, Westbury, New York (A020052).

Region 2 received eight renewal applications. Dresser-Rand had staff changes and the facility became unresponsive. Therefore, they were withdrawn from the Performance Track Program.

Compliance screens concluded that there were no significant noncompliance issues as defined by the Performance Track Program at Nucor Steel, CPS Corp, Henkel Loctite, IBM, Ideal Jacobs, and American Ref-Fuel. Therefore, we recommend acceptance of these facilities' renewal applications to the Performance track Program.

When compliance screens were conducted on the Carneys Point and Logan Generating facilities, CAA HPVs were found. Discussions with the facilities revealed that NJDEP may have issued the HPVs in error and the facilities have chosen to litigate against NJDEP. While these issues remain unresolved, the facilities will withdraw their renewal applications.

Final revised applications are available on the on-line Performance Track application tracking system. Should you have any questions, please contact Judy-Ann Mitchell at (212) 637-3721.

cc: Judy-Ann Mitchell, DEPP  
Marcia Seidner, DEPP-SPMMPB  
Dore LaPosta, DECA  
Charles Zafonte, DECA  
Carl Soderberg, CEPD  
Evelyn Rivera-Ocasio, CEPD